to the unentered Amendment Under 37 C.F.R. § 1.116(b), dated August 15, 2001, to which no response has been received as of today, October 16, 2001. Claims 20 - 38 are pending after entry of this Preliminary Amendment. Claims 1-19 have been deleted. New claims 20 - 38 have been added to clarify the claimed invention. This Preliminary Amendment does not introduce any new matter.

Rejections under 35 U.S.C. § 103(a)

It is respectfully submitted that new claims 20- 38 are patentable over U.S. Patent No. 6,066,569 to Tobben in view of U.S. Patent No. 5,399,202 to Kikuchi et al.

New independent claims 20, 26, and 34 are patentable over Tobben and Kikuchi as Tobben teaches a process wherein a dual damascene metallization process is used in an organic intermetal dielectric while Kikuchi teaches a process for peeling a photoresist by using a peeling liquid. It is respectfully submitted that none of the cited art of record, independently or collectively, would suggest the claimed invention to one of ordinary skill in the art.

Independent claims 20, 26, and 34 recite a method for removing photoresist material from a semiconductor substrate and a method for forming a semiconductor substrate. Among others, for instance, independent claim 20 recites that the photoresist layer is removed from over the hard mask layer with dimethyl sulfoxide of a high pressure liquid chromatography (HPLC) grade. In a like manner, independent claims 26 and 34 recite implementing dimethyl sulfoxide and liquid of HPLC, respectively. It is submitted that none of the cited art of record suggests implementing dimethyl sulfoxide of a high pressure liquid chromatography (HPLC) grade to remove the photoresist material. Additionally, each independent claim specifically recites that the photoresist is dissolved from over the hard mask layer without substantially damaging the low dielectric constant layer due to the high selectivity of the chemical used.

In contrast, Tobben does not disclose a method wherein the photoresist material is removed with dimethyl sulfoxide. In fact, Tobben teaches that where low K dielectric materials are used, the oxygen plasmas method is the method of choice in the stripping of the photoresist material. Additionally, Tobben does not teach using a chemical solvent to strip the photoresist.

Likewise, Kikuchi is silent as to implementing a low dielectric constant dielectric. Additionally, Kikuchi is silent as to the high selectivity of the dimethyl sulfoxide with respect to the low constant dielectric.

Accordingly, it is respectfully submitted that independent claims 20, 26, and 34 are patentable over the cited art of record, individually and collectively. Likewise, dependent claims 21-25, 27-33, and 35-37 are also submitted to be patentable over the cited art of record for at least the same reasons discussed above. Accordingly, the Applicant respectfully requests that the § 103(a) rejections be withdrawn.

In view of the foregoing, the Applicant respectfully submits that all pending claims (20-38) are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the Proposed Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any additional fees are due in connection with filing this Proposed Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM2P266A). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, L.L.P.

Albert S. Penilla, Esq.
Reg. No. 39,487

Martine & Penilla, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
(408) 749-6900
Customer No. 25920